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*Pro-Se Plaintiff*

9/7/2022

## MEMORANDUM ENDORSED

### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

FLEX MARKETING GROUP LLC

Plaintiff,

v.

JOSHUA LAPIN

Defendants.

Case No. 1:2022cv06179

**PLAINTIFF JOSHUA LAPIN'S  
MOTION FOR LEAVE TO  
E-FILE IN THIS ACTION**

COMES NOW Defendnat Joshua Lapin, pro-se plaintiff in his individual capacity, moving this court to GRANT Defendant Joshua Lapin's motion to file documents electronically in this case using CM/ECF. He submits this request for the following reasons:

- 1) AS A FULL-TIME TRAVELER AND A "DIGITAL NOMAD" RECEIVING MAIL IS HARD**  
While Defendant maintains a Personal Mailbox (PMB) in Sioux Falls, South Dakota, as seen in the header of this motion and in the complaint as well, it is "hit or miss", and Defendant would more reliably receive motions, pleadings, and orders by fax, by email, or by some other e-notification.
- 2) SENDING MAIL IS DIFFICULT AS WELL**  
Since he is always out of the country, Defendant relies on an online mailing service called "Postalocity" from which to send domestic mail. However, the cost is greater than standard USPS rates, and often the mailing date is 1-2 days later than what would otherwise be available, had defendant been physically in the United States and near a post office.

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**3) DELAYS IN RECEIVING PLEADINGS AND MAILING PLEADINGS PREJUDICE PLAINTIFF**

Being that the plaintiff's are business entities, they MUST be represented by a New York-licensed attorney, as an entity cannot be represented pro-se. Therefore, as a New York attorney, opposing counsel will enjoy automatic e-filing rights, through CM/ECF or other similar system. They can file a motion and it will be received by the clerk and dated the "same day".

Further, while defendant will ask opposing counsel (and the clerk) to send him copies of pleadings by email or fax, they are not necessarily obligated to do so, and receiving pleadings by mail would cause great delay and prejudice to plaintiff for the reasons described in point #1 of this motion.

The combined delays in receiving pleadings (point #1) AND in sending pleadings (point #2), gives plaintiff a tremendous advantage over defendant, and decreases the time defendant has to file his responses and other pleadings.

**4) THE PREJUDICE WOULD BE LARGELY MITIGATED THROUGH CM/ECF (OR SIMILAR)**

Through CM/ECF or another similar system, defendant would get instant notification of new filings in this matter, and also could file motions, responses, replies, and other pleadings through CM/ECF without the delay and expense associated with mail, let alone mail from abroad.

**5) REGISTERING AS A PRO-SE FILER IS CURRENTLY UNAVAILABLE; REQUIRES LEAVE**

Being a non-attorney, defendant can follow this case on PACER but is unable to e-file through a CM/ECF account linked to PACER without leave from this court.

**6) E-FILING WILL ALLOW PLAINTIFF'S PLEADINGS TO BE RECEIVED IN COLOR**

Currently, through the online mailing service "postalocity" that defendant relies on, the complaint and other pleadings are being sent to the court in black-and-white, and likely in reduced quality as well.

The complaint relies on many, many visual aids and exhibits, and justice would best be served if defendant can upload the original complaint, exhibits, and documents in their original quality and full color, as is available through CM/ECF.

**CERTIFICATE OF SERVICE**

Defendant will serve this motion by filing this motion with the pro-se intake unit, which will cause plaintiff's counsel to receive electronic service by CM/ECF. This motion will also be served by email as stipulated.

DocuSigned by:

*Joshua Lapin*

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Signature

9/7/2022

Date

Documents may be filed by sending them by email in pdf form to the following address:  
Temporary Pro Se Filing@nysd.uscourts.gov. Instruction for how to do so are contained in  
the following document: <https://www.nysd.uscourts.gov/sites/default/files/2021-04/2021-04-21-Email-Instructions-pro-se-filings-final.pdf>.

As for receiving documents electronically, plaintiff may make an application to receive  
documents electronically as directed in the following link:  
<https://www.nysd.uscourts.gov/sites/default/files/pdf/proseconsentecfnotice-final.pdf>

So Ordered.

  
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GABRIEL W. CORENSTEIN  
United States Magistrate Judge

September 8, 2022